

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
CLERK OF COURT
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
OCT 21 2013

DANIEL TRAVER, on behalf of)
himself and all others similarly situated)

Plaintiff,)

v.)

LOWE'S HOME CENTERS, INC.,)

Defendant.)

BROOKLYN OFFICE

Case No. CV-12-3528-SLT-VVP

PLAINTIFF'S MOTION FOR CLASS CERTIFICATION

Pursuant to Rule 23 of the Federal Rules of Civil Procedure, plaintiff Daniel Traver ("Plaintiff") hereby moves for an Order that this case be maintained as a class action and certifying the Class. In support hereof, Plaintiff states as follows:

1. This action satisfies each of the four prerequisites for class certification set forth in Fed. R. Civ. P. 23(a): (i) numerosity; (ii) commonality; (iii) typicality; and (iv) adequacy of representation.

2. This case meets the two core requirements for certification under Fed. R. Civ. P. 23(b)(3): (i) a predominance of common questions of law or fact; and (ii) superiority of a class action as the method of adjudication.

3. As further support, Plaintiff submits a memorandum of law, and the Declaration of Jeffrey C. Block, contemporaneously herewith.

WHEREFORE, Plaintiff respectfully request that this Court:

- A. Grant Plaintiff's Motion for Class Certification Pursuant to Fed. R. Civ. P. 23;
- B. Appoint plaintiff Daniel Traver as Class Representative;
- C. Appoint Block & Leviton LLP as Class Counsel and Gardy & Notis LLP as Liaison Counsel; and
- D. Award any other relief the Court deems just and proper.

Dated: May 3, 20123

Respectfully Submitted,


BLOCK & LEVITON LLP

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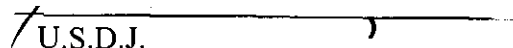
Counsel for the Plaintiff

ORDER

This motion is respectfully referred to Magistrate Judge Pohorelsky for a report and recommendation.

So ordered:

/s/(SLT)


U.S.D.J.

-, 10/17/13